

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In the Patent Application of

Richard E. VOGEL and  
Timothy J. FOLTZ.

Group Art Unit: 3727

Serial No.: 09/681,099

Examiner: Merek, Joseph C.

Filed: January 4, 2001

For: CONFECTION CUP ASSEMBLY

**SUPPLEMENTAL APPEAL BRIEF**

Commissioner of Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Supplemental Appeal Brief under 37 C.F.R. §1.193(b)(2) appealing the decision of the Examiner dated July 3, 2002. Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

**I. INCORPORATION BY REFERENCE**

Appellants incorporate herein by reference each and all of Sections I-IX from the Appeal Brief filed on April 2, 2003, in their entirety pursuant to MPEP §1208.02. All previously raised issues and arguments are still considered to be relevant. The appeal is maintained as to all of the rejected claims.

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## II. New Grounds of Rejection

The Examiner has entered no new grounds of rejection, so Appellants cannot address them.

### CONCLUSION

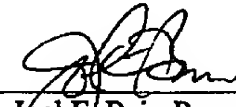
In view of the foregoing, it is submitted that the continuing rejection of claims 1-17, 19-30, 32, 34-38, 42, 43, 45, 46, 52, and 81 is improper and should not be sustained. Therefore, Appellants request a determination that the rejected claims are allowed or allowable.

Respectfully submitted,

RICHARD E. VOGEL AND TIMOTHY J. FOLTZ

Dated: 16 July 2003

By: \_\_\_\_\_

  
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